IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

Bail Appl..No. 822 of 2007()

CRIME NO.25/07 OF THE KOTTARAKKARA POLICE STATION

: PETITIONER/ACCUSED

RADHAKRISHNA PILLAI, S/O. PADMANABHAN
PILLAI, KARIPPAMON KUNNATHU VEEDU,
THAZHATHU KULAKKADA, KOTTARAKKARA, KOLLAM.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
KOTTARAKKARA POLICE STATION, THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 822 OF 2007

Dated this the 21st day of February, 2007

O R D E R

Petitioner, who is the 2nd accused in Crime No.25/2007 of Kottarakkara Police Station for offences punishable under sections 4(1) read with section 21(1) of the Mines and Minerals Development and Regulation Act and 12(4) read with section 20 of the Protection of River Bank Act and 447 and 379 IPC, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner has been mining sand from Government puramboke land to a depth of 40 meters under the cover of the mining permit issued in respect of the land belonging to the petitioner's private property.

3. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for interrogation and then seek regular bail. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 26.2.2007 and 28.2.2007 for the purpose of interrogation. He shall, thereafter, be produced on the same day before the concerned Magistrate, who shall consider and dispose of the application for regular bail, if any, filed by the petitioner, preferably on the same day on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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